

REMARKS

The application has been carefully reviewed in light of the Office Action dated May 16, 2005. Claims 1 to 7 are in the application, of which Claims 1 and 4 are independent. Claims 1 to 7 have been amended herein. Reconsideration and further examination are respectfully requested.

Claims 1 to 7 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,109,738 (Miyata). The rejection is respectfully traversed.

According to one feature of the invention as recited by Claims 1 and 4, the content of hafnium in the composition for forming a piezoelectric film is 3,000 ppm or less.

Miyata is not seen to teach or suggest at least the foregoing feature.

The Office Action interprets the content of hafnium in Miyata's composition to be zero. However, the Office Action does not provide any evidence to support this interpretation.


As set forth at MPEP § 2131.01, to serve as an anticipation when the reference is silent about the asserted characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

The Office Action fails to provide any extrinsic evidence showing that the content of hafnium in Miyata's composition is zero, and that this would be so recognized by persons of ordinary skill. As such, Applicants submit that the § 102 rejection is not well-founded.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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